

George C. Hutchinson, Esq. (SBN: 138735)
LEGAL SOLUTIONS 2 U, APC
18201 Von Karman, Suite 701
Irvine, California 92616
Telephone (855) 755-2928
Facsimile (855) 755-2928

Attorneys for Defendant,
BRANDREP, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**A1 ON TRACK SLIDING DOOR
REPAIR AND INSTALLATION, INC.,
SYLVIA SCHICK, and DEBORAH
SCHICK, individually and on behalf of
all others similarly situated,**

Plaintiffs,

v.

**BRANDREP LLC, a Delaware limited
liability company,**

Defendant.

Case No. 3:21-cv-03013-SI

**DECLARATION OF DEMURRING
OR MOVING PARTY IN SUPPORT
OF AUTOMATIC EXTENSION**

BrandRep, LLC was served with a first amended complaint in the above titled action.

A responsive pleading is now due and both opposing counsel and our office as counsel for BrandRep, LLC have agreed to have a meet and confer on August 13, 2021 at 11:00 am regarding a demurrer and other subjects.

DECLARATION

I intend to file a demurrer and/or a motion to strike on the pleadings in this action. Before I can do so, I am required to meet and confer with the party who filed the pleading that I am responding to before the date when the responsive pleading is due. We have not been able to meet and confer. Therefore, on timely filing and serving a declaration that meets the requirements of Code of Civil Procedure sections 430.41, 435.5, or 439, I am entitled to an automatic 30-day extension of time within which to file a responsive pleading from the August 13, 2021 date. Attached to my declaration as Exhibit A is the chain of emails which reflects opposing counsel's agreement to a meet and confer on the subject of demurrer and other items.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

DATE: 08/10/2021

/s/ GEORGE C HUTCHINSON, ESQ

George C Hutchinson, Esq., Declarant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

George C. Hutchinson, Esq.

From: Taylor Smith <tsmith@woodrowpeluso.com>
Sent: Wednesday, August 4, 2021 12:42 PM
To: LS2U - Ron Kort
Cc: George C. Hutchinson, Esq.; Rebecca Davis; Paralegal; Yasangi Edirisinghe; Dimuth Amaratunge; Patrick Blair
Subject: Re: A1 On Track v. BrandRep, LLC - Case No. 21-cv-03013-SI - Initial CMC and Revised Joint Report

Let's hold the call on August 13th at 11:00 am. Thanks.

On Wed, Aug 4, 2021 at 1:39 PM <rj@legalsolutions2u.com> wrote:

Mr. Smith,

I was asked to inform you that associate counsel on the case would like to also be on the call and is available on the 13th or 16th any time after 11:00 am PST. Which day and time works best for you?

Ron

Legal Coordinator

From: Taylor Smith <tsmith@woodrowpeluso.com>
Sent: Wednesday, August 4, 2021 10:26 AM
To: George C. Hutchinson, Esq. <GCHutchinson@legalsolutions2u.com>
Cc: LS2U - Ron Kort <rj@legalsolutions2u.com>; Rebecca Davis <rebecca@lozeaudrury.com>; Paralegal <paralegal@legalsolutions2u.com>; Yasangi Edirisinghe <assistant@serendiblawn.com>; Dimuth Amaratunge <da@serendiblawn.com>; Patrick Blair <patblair@hotmail.com>
Subject: Re: A1 On Track v. BrandRep, LLC - Case No. 21-cv-03013-SI - Initial CMC and Revised Joint Report

George,

How does Monday work for a call?

- Taylor

On Tue, Aug 3, 2021 at 5:13 PM George C. Hutchinson, Esq. <GCHutchinson@legalsolutions2u.com> wrote:

Mr. Smith,

We previously agreed to have responsive pleadings set for tomorrow, but in light of the attached order of the court we may want to meet and confer over the following items:

1. Demurrer – we believe that the case lacks merit sufficient to warrant a cause of action under the TCPA by your clients.
2. Notice of Related Cases, relating this case to that of Jason Alan's and Todd Friedman's office
3. Motion to Transfer Venue
4. Joint Case Management Conference

When are you free to discuss the above 4 items so that we may either dismiss this case, perhaps settle the case, or move forward with the above motions.

George

From: Taylor Smith <tsmith@woodrowpeluso.com>

Sent: Monday, August 2, 2021 12:29 PM

To: George C. Hutchinson, Esq. <GCHutchinson@legalsolutions2u.com>

Cc: LS2U - Ron Kort <rj@legalsolutions2u.com>; Rebecca Davis <rebecca@lozeaudrury.com>; Paralegal <paralegal@legalsolutions2u.com>; Yasangi Edirisinghe <assistant@serendiblawn.com>; Dimuth Amaratunge <da@serendiblawn.com>

Subject: A1 On Track v. BrandRep, LLC - Case No. 21-cv-03013-SI - Initial CMC and Revised Joint Report

Counsel,

In accordance with the Court's Order, attached please find a letter summarizing the Court's Orders during the July 30th case management conference. Please let me know when you are available to confer within the next two weeks.

Thanks,

Taylor

--

Taylor T. Smith | Woodrow & Peluso LLC

3900 East Mexico Avenue, Suite 300

Denver, Colorado 80210

[\(720\) 907-7628](tel:(720)907-7628) (direct)

tsmith@woodrowpeluso.com | www.woodrowpeluso.com

CONFIDENTIALITY AND LIABILITY FOR MISUSE. The information contained in this communication is the property of Woodrow & Peluso, LLC. It may be privileged, confidential, attorney work product, or otherwise exempt and is intended only for the individual to whom it was addressed and others who have been specifically authorized to receive it. If you have received this communication in error and are not an intended recipient, please notify Woodrow & Peluso, LLC immediately and do not read, copy, use, or disclose this e-mail to others, including its attachments. After notifying Woodrow & Peluso, LLC, please delete the e-mail.

Pursuant to requirements related to practice before the U.S. Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

--

Taylor T. Smith | Woodrow & Peluso LLC

3900 East Mexico Avenue, Suite 300

Denver, Colorado 80210

[\(720\) 907-7628](tel:(720)907-7628) (direct)

tsmith@woodrowpeluso.com | www.woodrowpeluso.com

CONFIDENTIALITY AND LIABILITY FOR MISUSE. The information contained in this communication is the property of Woodrow & Peluso, LLC. It may be privileged, confidential, attorney work product, or otherwise exempt and is intended only for the individual to whom it was addressed and others who have been specifically authorized to receive it. If you have received this communication in error and are not an intended recipient, please notify Woodrow & Peluso, LLC immediately and do not read, copy, use, or disclose this e-mail to others, including its attachments. After notifying Woodrow & Peluso, LLC, please delete the e-mail.

Pursuant to requirements related to practice before the U.S. Internal Revenue Service, any tax advice contained in this communication

(including any attachments) is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

--

Taylor T. Smith | Woodrow & Peluso LLC

3900 East Mexico Avenue, Suite 300

Denver, Colorado 80210

[\(720\) 907-7628](tel:(720)907-7628) (direct)

tsmith@woodrowpeluso.com | www.woodrowpeluso.com

CONFIDENTIALITY AND LIABILITY FOR MISUSE. The information contained in this communication is the property of Woodrow & Peluso, LLC. It may be privileged, confidential, attorney work product, or otherwise exempt and is intended only for the individual to whom it was addressed and others who have been specifically authorized to receive it. If you have received this communication in error and are not an intended recipient, please notify Woodrow & Peluso, LLC immediately and do not read, copy, use, or disclose this e-mail to others, including its attachments. After notifying Woodrow & Peluso, LLC, please delete the e-mail.

Pursuant to requirements related to practice before the U.S. Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.
